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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,035	07/09/2003	Van Kirk Fehr	10.277.002	3870

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KILE GOEKJIAN REED & MCMANUS
1200 NEW HAMPSHIRE AVE, NW
SUITE 570
WASHINGTON, DC 20036

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,035

Applicant(s)

FEHR, VAN KIRK

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 22, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Akhteruzzaman et al. (US 6,263,050 B1).

Akhteruzzaman et al. disclose a method for establishing emergency communication comprising the steps of:

providing a plain old telephone service (POTS) into a residence (via telephone line 152);

providing a wireless telephone service into the residence (via wireless unit 110); and

in the event of a dead line condition of said POTS service establishing a wireless telephone signal to an emergency service alerting the emergency service of the dead line condition of the POTS service (in the event of a “line cut” emergency, the wireless unit is activated to place a call to a central monitoring service system alert the monitoring system of the line cut emergency; col. 2, lines 20-29; col. 5, line 54 – col. 6, line 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US 4,760,593, hereinafter “Shapiro”) in view of Schornack et al. (US 5,946,616, hereinafter “Schornack”) and further in view of Roberts et al. (US 6,810,380 B1, hereinafter “Roberts”).

Shapiro discloses a personal alarm system comprising:

a base unit (subscriber station 10);

a POTS telephone handset and telephone keypad (telephone 22 connected to subscriber 10; Figure 1); and

telephone circuitry operable to establish two-way telephone service over a twisted pair of POTS wiring (col. 5, lines 25-27).

Shapiro differs from claims 1, 3-5 in that it does not teach telephone circuitry to establish two-way wireless telephone service and control electronics to selectively switch between POTS service and wireless telephone service. However, Schornack (see Figure 5) teaches the desirability of adding cellular communication capability (via cellular phone interface 204) to a landline voice telephone (telephone device; col. 2, lines 8-20) as well as control electronics for selectively switching (communication path switching circuit 406 connects telephone device 108 to a telephone line or the cellular interface; col. 12, lines 40-60) such that it would have been obvious to an artisan of ordinary skill to incorporate wireless two-way communication capability with selective switching, as taught by Schornack, within the alarm system of Shapiro so that an alarm call can be selectively placed over the POTS network or the cellular network.

The combination of Shapiro and Schornack differs from claims 1-3, 5 in that it does not teach a digital recording and voice recognition circuitry operable to activate the emergency communication system from a location remote from the base unit. However, Roberts teaches the desirability of automatically placing an emergency call by voice command (speaker-specific

speech segment is recognized, such as “CALL 911” or “HELP”, by comparing the speech segment with a previously recorded speech segment stored in memory 112; col. 4, lines 25-39; col. 6, lines 16-26) such that it would have been obvious to an artisan of ordinary skill to incorporate such speaker-specific voice activation, as taught by Roberts, within the combination of Shapiro and Schornack so that a user in need of emergency assistance and unable to reach the speakerphone base or unable to press the help button can place an emergency call simply by providing a voice command.

Regarding claim 2, in Shapiro, speakerphone 20 can be activated by a control signal transmitted from the central monitoring station 14 (col. 5, lines 41-54) or under the control of the subscriber station 10 (col. 5, lines 23-38).

Regarding claim 5, in Shapiro, a help button 18 is provided (col. 4, lines 24-33; col. 5, lines 13-15; col. 8, lines 34-40; col. 10, lines 33-40).

Regarding claims 6 and 10, Roberts teaches the well known use of an orientation sensor 160 which can determine whether a telephone device is in an upright position, a horizontal position, or a tilted position (col. 3, lines 33-45).

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shapiro, Shornack and Roberts, as applied to claim 1 above, and further in view of Seazholtz et al. (US 5,333,173).

The combination of Shapiro, Shornack and Roberts differs from claims 7-8 in that it does not teach detecting a dead line condition of the handset and

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alerting the emergency service of the dead line condition (paragraph 38 of Applicant's specification describes a dead line condition as occurring when a telephone handset has been left off-hook for more than a few minutes).

However, Seazholtz teaches that it is well known to activate an emergency call when a telephone is left off-hook (with no voice) for a predesignated period of time (col. 3, lines 17-24) such that it would have been obvious to an artisan of ordinary skill to incorporate such off-hook/no voice event reporting, as taught by Seazholtz, within the combination of Shapiro, Shornack and Roberts so that an emergency condition during which a handset has been left off-hook can be detected and reported.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-10 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a long horizontal line extending to the right.

Stella L. Woo
Primary Examiner
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